

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:)	Case No. 20-21595-GLT
)	
MAJESTIC HILLS, LLC,)	Chapter 11
Debtor,)	
)	Related Docket Nos. 10, 431
)	
)	Responses Due: April 9, 2021
MAJESTIC HILLS, LLC)	
)	Hearing Date: April 29, 2021, 10:30 a.m.
Movant,)	
)	
vs.)	
)	
JEFFREY SWAREK and CHRISTINE)	
SWAREK,)	
)	
Respondents.)	

**RESPONSE OF JEFFREY SWAREK AND CHRISTINE SWAREK TO AMENDED
MOTION OF NVR, INC. AND NORTH STRABANE TOWNSHIP FOR ENTRY OF AN
ORDER (A) SCHEDULING A HEARING ON DEBTOR'S MOTION FOR AN ORDER (I)
APPROVING THE ASSUMPTION OF THE SETTLEMENT AGREEMENT AND
RELEASE BETWEEN THE DEBTOR AND MUTUAL BENEFIT INSURANCE
COMPANY, (II) APPROVING THE SALE OF CERTAIN INSURANCE POLICIES, AND
(III) ISSUING AN INJUNCTION PURSUANT TO THE SALE OF CERTAIN
INSURANCE POLICIES; (B) DECLARING THAT NON-DEBTORS ARE NOT
ENTITLED TO RELEASES ; AND (C) REQUIRING THE SETTLEMENT AMOUNT BE
PAID DIRECTLY TO HOMEOWNERS**

Jeffrey Swarek and Christine Swarek (hereinafter "Swareks"), by and through their attorneys, Burke Cromer Cremonese, LLC and John B. Cromer, Esquire, submit the within response, averring as follows:

1. NVR, Inc. (hereinafter "NVR") and North Strabane Township, in their Amended Motion, request three forms of relief: (i) the scheduling of a hearing on the Mutual Benefit Settlement Motion; (ii) a declaration that non-debtor parties are not entitled to releases; and (iii) that the settlement proceeds be paid to the homeowners.

2. While the Swareks, as one of several homeowners whose home was condemned and torn down, would likely concur with an agreement, by and between the

parties, that monies from the Debtor's insurers should be available to pay the claims of the homeowners, on March 31, 2021, this Court entered an Order Setting Case Management Deadlines that provided as follows:

The Mutual Benefit and Westfield Motions will be held in abeyance pending the filing of the Amended Plan and Disclosure Statement. Any and all deadlines currently pending that are related to these Motions, including but not limited to the deadline for the Official Committee of Unsecured Creditors to file a response, other parties to file supplemental responses, and for the Debtor, Westfield Insurance Company, Mutual Benefit Insurance Company, or any other party to the Agreements to file any replies, are suspended. The Court will enter a separate scheduling order imposing such deadlines at the appropriate time after the Amended Plan and Disclosure Statement have been filed (footnote deleted).

3. Appreciating the fact that, in conjunction with the Bankruptcy Plan process, and in accordance with the Case Management Deadlines Order, the Settlement Motions will be heard in due course, the Swareks, by filing this Response, seek to reserve their rights, as the March 31, 2021 Order contemplates, to file replies, or other such appropriate responses to the Settlement Motions, so that the issues raised by NVR and North Strabane Township, along with the issues raised by other parties with respect to the Settlement Motions, can be fully heard at the appropriate time.

WHEREFORE, Jeffrey Swarek and Christine Swarek submit the within response that the issues raised by NVR and North Strabane Township be heard in accordance with the Case Management Deadlines Order of March 31, 2021.

Respectfully Submitted,

BURKE CROMER CREMONESE, LLC

By: /s/ John B. Cromer

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